

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

THE STATE OF MISSOURI,)
ex rel. ERIC S. SCHMITT, in his)
official capacity as Missouri)
Attorney General,)

Plaintiff,)

v.)

Case No. 1:20-cv-00099-SNLJ

THE PEOPLE’S REPUBLIC OF CHINA,)
THE COMMUNIST PARTY OF CHINA,)
NATIONAL HEALTH COMMISSION)
OF THE PEOPLE’S REPUBLIC OF)
CHINA, MINISTRY OF EMERGENCY)
MANAGEMENT OF THE PEOPLE’S)
REPUBLIC OF CHINA, MINISTRY OF)
CIVIL AFFAIRS OF THE PEOPLE’S)
REPUBLIC OF CHINA, PEOPLE’S)
GOVERNMENT OF HUBEI)
PROVINCE, PEOPLE’S GOVERNMENT)
OF WUHAN CITY, WUHAN INSTITUTE)
OF VIROLOGY, and CHINESE)
ACADEMY OF SCIENCES,)

Defendants.)

**MOTION OF THE CHINA SOCIETY OF PRIVATE INTERNATIONAL LAW
FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF IN OPPOSITION TO PLAINTIFF
THE STATE OF MISSOURI’S COMPLAINT AGAINST THE PEOPLE’S REPUBLIC
OF CHINA, *ET AL.* FOR LACK OF SUBJECT-MATTER JURISDICTION**

COMES NOW The China Society of Private International Law (hereinafter “The Society”), by and through the undersigned counsel, and respectfully moves this Court for leave to file a proposed *Amicus Curiae* Brief in Opposition to Plaintiff’s Complaint for Lack of Subject-Matter Jurisdiction. As argued more fully in the Brief, the proposed *amicus* respectfully request that this Court dismiss Plaintiff’s Complaint *sua sponte*.

This Court “has broad inherent authority to permit or deny an appearance as *amicus curiae*.” *United Fire & Cas. Co. v. Titan Contractors Serv., Inc.*, No. 4:10-CV-2076 CAS, 2012 WL 3065517, at *6 (E.D. Mo. July 27, 2012). The proposed *amicus* is an academic society formed under Chinese law and dedicated to research and discussion of private international law issues, whose members include international law professors and scholars, as well as practicing experts, consultants, and lawyers in the area of international law. The Society is interested in the law and theory of foreign sovereign immunity and the furtherance of relations between China and the United States. It therefore has been following this case in view of the foreign sovereign immunity issues it raises and in view of its potential effects on Sino-U.S. relations. Accordingly, the Society is uniquely qualified in the area of foreign sovereign immunity issues.

As stated in the accompanying Memorandum in Support of the Motion for Leave, the proposed *amicus* brief is timely, useful, and necessary to this Court because the views of the Society, a qualified group specialized in private international law issues, could assist the Court in completing its task of evaluating the immunity/subject-matter jurisdiction issues in this case. The proposed *amicus* brief attached hereto will state in detail the Society’s opinion that this Court lacks subject-matter jurisdiction over this case, and respectfully requests that the Court dismiss the case *sua sponte*.

WHEREFORE, the China Society of Private International Law respectfully requests that this Court grant this Motion for Leave to File *Amicus Curiae* Brief in Opposition to Plaintiff’s Complaint for Lack of Subject-Matter Jurisdiction and dismiss Plaintiff’s Complaint *sua sponte*.

Dated: September 15, 2021

Respectfully submitted,

BROWN & JAMES, P.C.

/s/ Jackie M. Kinder

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was sent via the Court's electronic filing system this 15th day of September, 2021, to:

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